

1-1-2016

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Recommended Citation

Michael S. Ariens, *In Memory of Joe E. Anderson (1928–2016), Professor of Law, St. Mary's University School of Law*, 48 ST. MARY'S L.J. xiii (2016).

Available at: <https://commons.stmarytx.edu/thestmaryslawjournal/vol48/iss2/1>

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TRIBUTE

IN MEMORY OF JOE E. ANDERSON (1928-2016) PROFESSOR OF LAW ST. MARY'S UNIVERSITY SCHOOL OF LAW

MICHAEL S. ARIENS*

The *Directory of Law Teachers*, now published annually by the Association of American Law Schools, includes a capsule summary of an American law school teacher's work-related accomplishments. It notes the educational and employment background of the teacher, membership in legal organizations, and lists the faculty member's published books. St. Mary's University School of Law Professor Joe E. Anderson (1928–2016) made his first appearance in the biennial 1968–1970 edition of the *Directory*. The summary provides a dry recitation of Joe's accomplishments: a double graduate of the University of Texas (B.A. 1950, LL.B. 1959), a member of the State Bar of Texas as of 1958, an attorney for the City of San Antonio from 1959–1961, and right of way attorney for Bexar County from 1962–1968. It also notes Joe's service in the United States Navy from 1952–1955. Those with a discerning eye will recognize that Joe served during the Korean War (1950–1953). His listed title at St. Mary's University School of Law was Assistant Professor of Law.¹ The *Directory* notes Joe's promotion to Associate Professor of Law in its 1972 edition,² and promotion to Professor

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1. ASSOCIATION OF AMERICAN LAW SCHOOLS, *DIRECTORY OF LAW TEACHERS*, 1968–1970 67 (1969).

2. ASSOCIATION OF AMERICAN LAW SCHOOLS, *DIRECTORY OF LAW TEACHERS*, 1972 86 (1972).

of Law in its 1979–1980 edition.³ The last edition in which Joe's brief biography appears is the 1993–1994 edition.⁴ Joe retired at the end of that academic year. He died on June 20, 2016, at the age of 88. It is not the purpose of the *Directory* to catalogue a law teacher's work life, much less that teacher's life. For example, the *Directory* (which takes its information from a form filled out by the faculty member) never listed Joe's fifteen years of service on the Board of Directors of Bexar County Legal Aid. It can, however, hint at some interesting aspects of that work life. First, the *Directory* used an asterisk to note when a faculty member was on leave due to a sabbatical or for another reason. In his twenty-six years at St. Mary's, Joe never took a sabbatical. Second, the *Directory* lists all the courses a professor is either teaching that academic year and those courses the faculty member may teach in the near future. What the *Directory* reports concerning the courses Joe taught indicates his versatility and utility as a faculty member at St. Mary's.

The number of courses Joe taught in a wide range of subject areas is astonishing. At the beginning of his career, the *Directory* notes Joe's courses as follows: "Damages; Evidence; Legislation; Local Government; Administrative Law; Torts; Fiduciary Administration; Real Property."⁵ In the 1970 *Directory*, Joe added a course in Federal Jurisdiction to his list.⁶ In the 1976 *Directory*, Joe included courses in Land Use and Constitutional Law,⁷ and in the 1979–1980 *Directory*, he added "Agency & Partnership." This came to a grand total of eleven different courses, many of which had very little in common. Most current faculty members will teach no more than four courses, most of which are closely tied. In an era of increasing specialization in legal practice and law teaching, Joe was one of the last generalists.

These two facts suggest Joe's greatest professional interest: his dedication to the law students at St. Mary's. Joe agreed to teach courses in disparate subjects because the students needed such courses. It takes a great deal of time to discern exactly what particular material should be covered, and how

3. ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF LAW TEACHERS, 1979–1980 138 (1980).

4. ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF LAW TEACHERS, 1993–1994 165 (1969).

5. ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF LAW TEACHERS, 1968–1970 67 (1969).

6. ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF LAW TEACHERS, 1970 75 (1970).

7. ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF LAW TEACHERS, 1976 119 (1976).

to cover it. For better or worse, this is a process that involves much trial and significant error. Joe was exceptional at shifting his attention among his various courses, and quickly deciding what to teach and how to teach it. And he did so because he cared that students learned. Like many of his colleagues from his time at St. Mary's, he did not take a sabbatical to make sure his courses were taught for the benefit of St. Mary's students. One of the most difficult aspects of any employee–employer relationship is aligning the often varying incentives of both. Law school faculty are required to teach and write well. The latter is easily demonstrated by assessment of one's published work. The former is much more difficult to judge. Student evaluations can be very helpful in assessing whether one's overarching goals are met. But being popular with students does not mean one's teaching is excellent, and conversely, a lack of popularity is not always indicative of poor teaching. Thus, some faculty members choose to spend more time on scholarship than teaching or service to students, the University, and the community. Joe always believed students came first, which is why he directed most of his energies to teaching.

Joe also served students outside of class. He never learned to drive. Every day his wonderful wife Peggy would drive him to school. By 1987, when I arrived at St. Mary's, most faculty taught three days each week and used the other two to prepare for class. Some came to school to prepare, while others preferred to work from home. Joe believed it was important to be present for students every work day, for one never knew when a student needed faculty assistance. When Joe retired in 1994, the School of Law celebrated Joe's career. The faculty and the School of Law honored him in the best way we knew: the School of Law established the Joe E. Anderson Endowed Law Scholarship. This scholarship is designed for those academically qualified students who need financial help for their law studies. Joe told me how humbled he was by the creation of this scholarship.

When I met Joe, he had pared his list of teaching interests. I was hired to teach Constitutional Law and Evidence, among other subjects. Joe taught both. I quickly asked for his help on how to teach this material. He was patient and kind, and forced me to think how I would meet our students where they were, rather than where I wanted them to be. He became a regular sounding board for me, and helped me shape my approach to teaching and how otherwise to serve students.

Joe was also a great mentor in learning the mysterious ways of academic politics. In my earliest years of teaching, I learned how senior faculty should lead. Joe was the epitome of a servant leader. He was able to let go of his ego for the good of all of his colleagues and for the betterment of the

institution. His committee service work helped the law school improve shortly before he retired Joe helped protect non-tenured faculty, including me, from efforts that put our jobs in some jeopardy. He did so despite creating some risk to himself. For that, and for his friendship, I will always be grateful.

Because Joe was asked to concentrate on teaching, and dedicated himself to doing so, he did not write a great deal. His two articles, *The Defense of Assumption of Risk in Comparative Negligence*,⁸ and *The Sixteenth Chief Justice*,⁹ discuss the legal subjects closest to his heart: Torts and Constitutional Law. The former article examines the 1973 adoption by Texas of comparative negligence. For Joe, Texas's decision to eliminate contributory negligence was beneficial to all Texans. Joe's article provided signposts and guidelines to courts and lawyers who were charged with assessing the interaction of comparative negligence with "all-or-nothing" defenses such as assumption of the risk.

Joe's 1987 article offered thoughts on the direction Chief Justice William H. Rehnquist, the sixteenth chief justice, might go in his new position. He clearly perceived Chief Justice Rehnquist would be more pragmatic than he was as an Associate Justice who was nicknamed the "Lone Ranger." He also offered some ideas of the Chief Justice's administrative style, based on a reading of Rehnquist's published speeches and essays. Joe concluded that Chief Justice Rehnquist was "a person of considerable intellectual depth. His conservatism is the result of serious thought rather than shallow prejudice."¹⁰ He also noted that this "conservatism is and will be tempered by the pragmatic objectivity that must intrude upon the thought processes of an intelligent person."¹¹ Joe was a proud Democrat whose intellectual integrity allowed him to assess a conservative Chief Justice in an objective fashion.

Joe E. Anderson was a humble man who never sought the spotlight. He undertook the hard work without any expectation of being acclaimed. He was a quiet leader within the faculty. He taught his students to think, and more importantly, he showed them to care for their clients by caring deeply for his students.

8. Joe E. Anderson, *The Defense of Assumption of Risk in Comparative Negligence*, 5 ST. MARY'S L.J. 678 (1974).

9. Joe E. Anderson, *The Sixteenth Chief Justice*, 12 OKLA. CITY U. L. REV. 733 (1987).

10. *Id.* at 760.

11. *Id.*